

MICHIGAN SUPREME COURT



Office of Public Information

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PROPOSED 'NO DISCRIMINATION DURING JURY SELECTION' RULE ON SUPREME COURT'S SEPTEMBER 29 PUBLIC HEARING AGENDA

**Court also to consider proposed attorney sanction standards, conservatorship rule changes,
and proposals to encourage timely trial court decisions**

LANSING, MI, September 26, 2005 – A proposed court rule, which would forbid discrimination against potential jurors on the basis of “race, color, religion, national origin, or sex,” will get a public hearing before the Michigan Supreme Court on September 29.

The Court, which seeks public input on proposed court rules, will consider whether to adopt a revision to Michigan Court Rule (MCR) 6.412, “Selection of the Jury.” The proposed change **(File no. 2003-04)** would prohibit discrimination during jury selection, including situations where the trial court tries to compose “a balanced, proportionate, or representative jury” based on race, color, religion, national origin, or sex.

The hearing will start at 9:30 a.m. in the Supreme Court courtroom on the 6th floor of the Michigan Hall of Justice; the hearing will adjourn no later than 11:30 a.m. The Court regularly holds hearings as part of its public comment process for proposed court rules and other administrative matters.

Also under consideration are rule changes aimed at getting courts to make timely decisions. Judges would be required to decide matters promptly, ideally “from the bench or within a few days of submission,” under a proposed amendment to MCR 8.107. Judges must render a decision “no later than 35 days after submission,” the proposal states. Judges would also have to file quarterly reports with the State Court Administrative Office (SCAO) on any matters they had not decided within 56 days of submission, and would be required to explain the delay. Related amendments to MCR 8.110 would require chief judges to report each month to the State Court Administrator about delays in criminal matters. **(File no. 2004-42)**

The Court will also invite comments on proposed standards for sanctioning lawyers who violate attorney ethics rules. The standards list factors that the Attorney Discipline Board, which hears lawyer misconduct cases, should consider in determining the level of punishment. The standards also recommend appropriate sanctions for certain types of misconduct. For example, the standards recommend disbarment for an attorney who knowingly reveals a client’s confidential information “in a scheme to benefit the lawyer or another” Another suggested

change recommends disbaring an attorney whose conduct “demonstrates that the lawyer does not understand the most fundamental legal doctrines or procedures.” Also before the Court are a series of proposed amendments to the Michigan Rules of Professional Conduct, which govern attorney ethics. **(File nos. 2002-29, 2003-62)**

The Court invites members of the public to appear and share their views on agenda items. Speakers will have three minutes each to present their views; Supreme Court Justices may ask questions of the speakers. Anyone wishing to speak at the hearing should contact the Clerk of the Court at P.O. Box 30052, Lansing, Michigan 48909 or at MSC_clerk@courts.mi.gov, no later than Tuesday, September 27. The full hearing agenda may be viewed at <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/PublicHearings/092905.pdf>.

Also on the September 29 agenda are:

- A proposed amendment to MCR 4.101, which governs civil infraction proceedings. The change would allow courts, subject to approval by the State Court Administrative Office, to adopt procedures for a defendant to waive the police officer’s appearance at the informal hearing. The officer would provide the court with a written statement “setting forth the facts that the police officer would testify to at the informal hearing if present.” A defendant who has already waived the police officer’s presence, but decides otherwise after reviewing the officer’s written statement, may request an adjournment before or at the start of the hearing. **(File no. 2005-16)**
- A proposal to allow the Supreme Court to order a judge who is disciplined for misconduct to pay the costs, fees, and expenses that the JTC incurred in prosecuting the judge. An alternate version of the proposal would allow the Court to impose costs only if the judge’s misconduct involved “fraud, deceit, or intentional misrepresentation,” or if the judge made misleading statements to the JTC, the JTC’s investigators, the special master appointed to hear the case, or the Supreme Court. **(File no. 2004-60)**
- An amendment that would require trial courts to make annual reports concerning all court-appointed attorneys, not just those whom the court appoints to represent indigent persons. Courts would be required to list the attorneys and how much money each attorney or law firm was paid. Courts would file the reports with the State Court Administrative Office, which can ask for more detailed information. The proposed rule continues the current requirement that each court make its annual appointment report available for public inspection. **(File no. 2001-10)**
- Proposed changes to court rules that govern conservators, who are appointed by probate courts to manage the financial affairs of those who are too ill, too young, or otherwise unable to do so. The accompanying staff comment states that the changes were prompted by SCAO’s 2004 statewide survey of conservatorship cases. **(File no. 2004-54)**

The agenda also includes nine other administrative matters. For more information, go to <http://www.courts.michigan.gov/supremecourt/Resources/Administrative/index.htm#proposed>.

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